

REMARKS

In an Office Action dated September 24, 2004, an objection was made to the specification for failing to provide antecedent basis for the claimed subject matter that acoustic energy below 15MHz is output, or that the distance from the lens surface to the surface of the reservoir is less than 150 micrometers. The 150 micrometer distance from the lens surface to the surface of the reservoir is described in the specification on page 4, the last sentence of the first complete paragraph which states "In inhaler applications, a distance "d" less than 150 micrometers may be used to conserve power". Applicant believes that this provides the necessary antecedent basis for the described limitation in claims 18 as originally filed.

An objection was also made to the limitation of acoustic energy below 15 MHz. The described limitation was originally included in claim 9. Since original claims are part of the original specification, no new matter has been added. Applicant has amended the specification to provide the necessary antecedent basis for the claim 9 limitations.

In the Office Action, objections were made to claims 9, 10 and 20 under 35 U.S.C. 112 for lack of support that the droplet size is less than 50 micrometers and that the droplet diameter is less than 10 times the wavelength of the capillary wave. In response Applicant has cancelled claim 20 and withdrawn those limitations from the dependent claim 9 and 10.

On December 17, 2004, Applicant filed an IDS including additional cited prior art references. Thus Applicant requests that Examiner hold a response to this Office Action in abeyance until he has received and had a chance to review the prior art references cited in the IDS submitted December 17, 2004.

Application No. 09/740,209

In view of the preceding amendments and remarks, Applicant respectfully submits that the claims as amended are allowable over the cited prior art reference, and allowance is hereby respectfully requested. In the event that the Examiner believes a teleconference would facilitate prosecution, Applicant respectfully requests that Examiner contact the undersigned.

Respectfully submitted,



Kent Chen
Attorney for Applicant(s)
Registration No. 39,630
(310) 333-3663
December 22, 2004